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 The Geo Group
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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE M. JAMES LORENZ)

UNITED STATES OF AMERICA,)	Case No. 08CR0918-L
)	
Plaintiff,)	
)	REPLY TO THE GOVERNMENT'S
v.)	RESPONSE TO DEFENDANT'S MOTIONS
)	
FE S. GARRETT,)	
)	
Defendant.)	
)	

I.

**THE COURT SHOULD DISMISS THE INDICTMENT
 DUE TO THE UNDUE DELAY IN FILING THE CHARGES**

The defendant submits the following reply to the government's response regarding dismissing the charges due to the long delay in filing them. In its reply, the government argues that the defendant suffered no prejudice. However, the defendant was prejudiced in a myriad of ways.

A. Death of Star Witness.

_____The defendant's star witness, Dominga Harlow, died on May 19, 2008 of lung cancer. She has been my good friend for 35 years. She worked in my office as my office assistant each year for the past six years from February 1 to April 16. Her office was next to mine with an open door and usually she worked in the office hallway because that is where the boxes of client folders were located. She heard all conversations in English and Filipino. Dominga Harlow was in charge of

1 each client's file. Any information, either verbal or written statement by the clients, was put in the
2 file by her. Ms. Harlow interacted with the clients and compiled additional documentation. She
3 heard what the conversations were about. Thus, the defendant has been prejudiced by not being able
4 to call Ms. Harlow as a witness to rebut the government's claims and arguments.

5 **B. Prejudice to the Public.**

6 In the criminal justice system, the accused is presumed innocent unless and until proven
7 guilty in the court of law beyond a reasonable doubt. Therefore, after the government searched my
8 offices, I believed I could resume my business while waiting for the government to finish its
9 administrative investigation. The government was aware that I was still preparing tax returns
10 because the investigation was on-going. According to Special Agent Bradley's affidavit to the
11 application for a search warrant, he began reading and analyzing tax returns prepared by me after he
12 received the informant report. That was March 2002. The government did not file an injunction or
13 temporary restraining order when it could have done so.

14 The government finished its administrative investigation in 2005 and still did not file any
15 charges, including a civil injunction. Thus, my clients kept coming to me because the public
16 believed it was just a false alarm. This went on for three more years after the recommendation for
17 prosecution was issued and transmitted to the Tax Division in Washington, D.C. in 2005. This arrest
18 made many people full of anger and anxieties because the government did not protect them from a
19 supposed criminal act. Here, the government did not fulfill its responsibilities to protect the public
20 and this failure prejudiced the public.

21
22 **II.**

23 **CONCLUSION**

24 For all of these reasons and the reasons set forth in my motions, I respectfully request that
25 this Court grant my motions.

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27 ///

28 ///

Respectfully submitted,

DATED: August 28, 2008

Fe S. Garrett
FE S. GARRETT
Pro Se

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE M. JAMES LORENZ)

UNITED STATES OF AMERICA,)	Case No. 08CR0918-L
)	
Plaintiff,)	
)	
v.)	CERTIFICATE OF SERVICE
)	
FE S. GARRETT,)	
)	
Defendant.)	

Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best of her information and belief, and that a copy of the foregoing document has been served this day upon:

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Respectfully submitted,

DATED: August 28, 2008

/s/ Erica K. Zunkel
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